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17 UNITED STATES BANKRUPTCY COURT

18 NORTHERN DISTRICT OF CALIFORNIA,

19 SAN FRANCISCO DIVISION

20 In re

Case No. 23-30564

21 THE ROMAN CATHOLIC ARCHBISHOP  
22 OF SAN FRANCISCO,

Chapter 11

23 Debtor and  
24 Debtor in Possession.

Date: June 13, 2024

Time: 1:30 p.m.

Location: Via ZoomGov

Judge: Hon. Dennis Montali

26 **DEBTOR'S THIRD MOTION FOR ORDER EXTENDING EXCLUSIVITY PERIODS [11**  
27 **U.S.C. § 1121(d)]**

1 The Roman Catholic Archbishop of San Francisco (“RCASF” or “Debtor”), the Debtor and  
2 debtor in possession in the above-captioned chapter 11 case (the “Bankruptcy Case”), hereby files  
3 this third motion (the “Motion”) for entry of an order extending for an additional approximately  
4 three months the exclusive period of time during which only the Debtor may file a plan of  
5 reorganization and the exclusive period of time to solicit acceptances thereof, without prejudice to  
6 the Debtor’s right to seek further extensions of these periods. In support of this Motion, the Debtor  
7 relies upon the *Declaration of Fr. Patrick Summerhays* filed in support of this Motion  
8 (“Summerhays Decl.”), the *Declaration of Joseph J. Passarello in Support of Chapter 11 Petition*  
9 *and Debtor’s Emergency Motions* (ECF No. 14) (“Passarello Background Decl.”), and the  
10 *Declaration of Paul E. Gaspari in Support of Chapter 11 Petition and Debtor’s Emergency Motions*  
11 (ECF No. 15) (“Gaspari Decl.”), the court filings in this case and the following points and  
12 authorities. The Debtor informed the Committee through counsel that this Motion would be filed  
13 and the extension requested.

#### 14 JURISDICTION

15 This Court has jurisdiction to consider this Motion under 28 U.S.C. §§ 157 and 1334.  
16 Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to  
17 28 U.S.C. § 157(b)(2). The statutory basis for relief is 11 U.S.C. § 1121(d).<sup>1</sup>

#### 18 RELIEF REQUESTED

19 By this Motion, the Debtor asks the Court for entry of an order extending the exclusivity  
20 periods within which Debtor has the exclusive right to propose a plan (which currently expires on  
21 June 25, 2024) and obtain acceptance of such a plan (which currently expires on August 26, 2024),  
22 ///

23  
24  
25 <sup>1</sup> The Debtor does not, by filing its petition for relief and other documents in this bankruptcy case,  
26 waive any of its rights under any applicable law, including, without limitation, the Code of Canon  
27 law, the First Amendment of the United States Constitution, the Constitution for the State of  
28 California, California’s law on corporations sole (California Corporations Code §§ 10000-10015),  
the Religious Freedom Restoration Act, the church autonomy doctrine, charitable trust law,  
California trust law, and the rights to object to disclosure of information and to contend that certain  
assets are not property of the estate.

1 until September 27, 2024 (94 days), and November 29, 2024 (95 days), respectively. Attached  
2 hereto as ***Exhibit A*** is a proposed form of order.

### 3 SUMMARY OF POSTPETITION BANKRUPTCY EVENTS

4 1. Since August 21, 2023 (the “Petition Date”), the Debtor has established itself as a  
5 debtor in possession and successfully navigated the early stages of the Chapter 11 case, including:  
6 (i) completed schedules have been filed, (ii) the first meeting of creditors has been conducted, (iii)  
7 all first day motions have been granted, and (iv) the court authorized the employment of  
8 professionals for the Debtor and the Official Committee of Unsecured Creditors (“Committee”).  
9 Summerhays Decl. ¶ 4.

10 2. On November 16, 2023, the RCASF filed its initial motion for order extending  
11 exclusivity periods (ECF No. 317) and the order granting the motion was entered on the Court’s  
12 docket on December 14, 2023 (ECF No. 366).

13 3. On February 8, 2024, the RCASF filed its second motion for an order extending the  
14 exclusivity periods (ECF No. 459) and the order granting the motion was entered on the Court’s  
15 docket on March 5, 2024 (ECF No. 532).

16 4. The Debtor obtained approval of an extensive claims bar date notice procedure by  
17 order dated November 21, 2023 (ECF No. 337) (“Bar Date Order”). The Debtor implemented the  
18 extensive noticing procedures for the February 20, 2024, claims bar date. See Notices at ECF No.  
19 349, 350. For “Permitted Parties” that have executed the court-approved confidentiality  
20 agreement, the Debtor has provided access to the filed confidential Survivor Proofs of Claim. The  
21 Debtor’s statement and summary of steps taken to comply with the Bar Date Order was filed on  
22 April 15, 2024 (ECF No. 587). Summerhays Decl. ¶ 5.

23 5. The Debtor and the Committee met and conferred extensively relating to the form  
24 of a detailed Stipulated Protective Order (ECF No. 374), which governs the production of records  
25 to the Committee in response to the Committee’s Rule 2004 requests. The Debtor has been meeting  
26 and conferring and producing documents on a rolling basis, including confidential documents,  
27 requested by the Committee as part of the parties’ preparation for an expected mediation. Given  
28 the extensive breadth of the Committee’s document requests, a significant amount of resources are

1 being devoted to this task. At the Committee's insistence, the Debtor also has been facilitating the  
2 production of affiliate discovery on a rolling basis. Summerhays Decl. ¶ 6. Notwithstanding these  
3 voluntary productions, the Committee recently filed an additional *ex parte* application under  
4 Bankruptcy Rule 2004 (ECF No. 630) seeking to compel testimony and production of documents  
5 from the Debtor and certain non-debtor affiliates on topics already covered by the initial  
6 application. The Debtor has reviewed that application and expects to meet and confer with the  
7 Committee.

8         6. The Debtor also has met and conferred with the insurers regarding their *ex parte*  
9 application under Bankruptcy Rule 2004 (ECF No. 571). On April 4, 2024, and April 8, 2024, the  
10 Committee and Debtor filed oppositions to the insurer's *ex parte* application (ECF No. 573 and  
11 580). As set forth in the Status Report (ECF No. 591), the insurers and Debtor have made progress  
12 towards resolving the issues relating to the 2004 application.<sup>2</sup>

13         7. The Debtor and the Committee have met and conferred extensively relating to a  
14 motion for entry of an order referring parties to global mediation, the selection of a mediator(s),  
15 and granting related relief. Summerhays Decl. ¶ 7. Drafts of the motion have been prepared and  
16 shared with the Committee. The Debtor and the Committee have reached consensus on the identity  
17 of the two mediators. The Debtor circulated to the insurers the names of certain proposed  
18 mediators on February 24, 2024, and the names of the two mediators the Debtor and the Committee  
19 agreed upon on April 12, 2024. On May 10, 2024, the Debtor received a communication from  
20 certain insurers suggesting a different mediator, which communication has been passed on to the  
21 Committee. The Debtor anticipates that the motion to refer to mediation will have been filed prior  
22 to the hearing on this motion.

23         8. To some extent, the Debtor benefits from the experience of other dioceses who  
24 preceded the Debtor into Chapter 11. Of the approximately 32 Chapter 11 diocesan or religious  
25 organization cases filed prior to the Debtor's filing that have proceeded through plan confirmation,  
26

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27 <sup>2</sup> As noted in the status report, the Debtor and insurers are meeting and conferring over the insurers'  
28 requests to modify the existing protective order.

1 approximately 22 of those cases have resulted in consensually confirmed reorganization plans. In  
2 virtually all of those cases, terms for a consensual reorganization plan were reached following a  
3 mediation process in which the Debtor, Non-Debtor Entities, Insurers and the Creditors'  
4 Committee representing the interests of survivors of sexual abuse participated. Similarly, two other  
5 pending diocese cases pending in this District that have not yet reached plan confirmation filed by  
6 the Roman Catholic Bishop of Santa Rosa and the Roman Catholic Bishop of Oakland are  
7 proceeding on a similar course. The Debtor is working to expeditiously advance this process to  
8 determine the parties' interests and contributions to fund a plan to provide recovery for creditors.  
9 Until those issues are resolved, the Debtor will not be in a position to file a proposed reorganization  
10 plan.

11 9. The Debtor believes that the relief requested is necessary and appropriate given the  
12 stage of the case, the complexity of the case, the steady progress in the post-petition management  
13 of the case, and the progress toward developing a process to facilitate a plan of reorganization.  
14 Summerhays Decl. ¶ 8. The requested relief is without prejudice to the: (a) Debtor's right to seek  
15 further extensions and the rights of parties in interest with standing to oppose such requests, and  
16 (b) rights of parties in interest with standing to seek to shorten or terminate Debtor's exclusivity  
17 periods and Debtor's right to oppose such requests.

#### 18 **BACKGROUND OF THE DEBTOR AND THE BANKRUPTCY CASE**

19 10. On the Petition Date, the Debtor commenced with the Court a voluntary case under  
20 chapter 11 of the Bankruptcy Code (ECF No. 1). The Debtor continues to operate its businesses  
21 and manage its properties as debtor in possession pursuant to sections 1107(a) and 1108 of the  
22 Bankruptcy Code. No trustee or examiner has been appointed in the Bankruptcy Case. On  
23 September 1, 2023, the Office of the United States Trustee for the Northern District of California  
24 appointed a statutory committee of unsecured creditors ("Committee") in this case pursuant to  
25 section 1102 of the Bankruptcy Code (ECF No. 58).

26 11. The RCASF filed this Bankruptcy Case to reorganize its financial affairs pursuant  
27 to a plan of reorganization that will, among other things, fairly, justly, and equitably compensate  
28 survivors of sexual abuse by clergy or others associated with the RCASF and bring healing to

1 survivors, parishioners and others affected by past acts of sexual abuse. Summerhays Decl. ¶ 4.  
2 The RCASF requires the Bankruptcy Court's protection and the protection of the bankruptcy laws  
3 to make fair and equitable payment on all of the claims against it, including the claims by survivors  
4 of abuse, trade creditors, and others, while continuing its ministries and support it offers to Catholic  
5 parishes and communities. *See* Passarello Background Decl. ¶ 60-61.

6 12. Until recently, the RCASF has maintained financial viability while funding  
7 compensation for survivors and continued litigation regarding claims of abuse. Passarello  
8 Background Decl. ¶ 52. However, there are currently approximately 537 lawsuits against the  
9 RCASF. *Id.* ¶ 53. The projected demands in these cases are likely to exceed RCASF's assets, thus  
10 necessitating this bankruptcy. *Id.* ¶ 56. The RCASF is a not-for-profit religious organization and  
11 while it does have significant resources including insurance, these resources could be inadequate  
12 to respond to over 500 lawsuits. *Id.* Thus, the hundreds of lawsuits put the RCASF in immediate  
13 and dire financial distress and in need of a forum to resolve these claims while continuing to serve  
14 the faithful and those in need. *Id.*

15 13. The RCASF's goals in seeking chapter 11 relief are twofold: (a) to protect and  
16 preserve the RCASF's assets that are properly available for distribution to the RCASF's creditors  
17 and ensure that assets are marshaled to be distributed equitably to all creditors; and (b) to continue  
18 the work of the Church within the Archdiocese, to the fullest extent possible, using the resources  
19 dedicated to those purposes. *Id.* ¶ 62. The RCASF seeks to negotiate a plan of reorganization as  
20 early as practicable which will: (a) allocate the RCASF's remaining assets fairly among the  
21 legitimate competing interests for such property; (b) provide a process to fully, fairly and  
22 expeditiously liquidate claims of survivors; and (c) permit the RCASF to carry on the RCASF's  
23 essential ministries and services so the RCASF can continue to meet the needs of the Non-Debtor  
24 Catholic Entities, parishioners, and others who rely on the RCASF's ministry, education, and  
25 charitable outreach. *Id.* ¶ 63.

26 14. The Debtor continues to seek a global mediation process and expects to file a motion  
27 to refer the parties to mediation soon. The Debtor is in the early stages of the case and working to  
28 build a foundation for a plan of reorganization. It is actively taking steps to develop a plan of

1 reorganization with its constituents. This Chapter 11 Case is large and complex. The Debtor's  
2 estate includes substantial claims and assets to be administered. The Debtor has been working  
3 expeditiously with the Committee and other key stakeholders, including the Debtor's insurers, to  
4 begin toward the path to develop a consensual plan to emerge from chapter 11. However, this case  
5 remains in the early stages and additional time is needed to explore potential outcomes.

## 6 LEGAL ARGUMENT

### 7 A. Legal Standard

8 15. Section 1121(b) of the Bankruptcy Code provides that a debtor has the exclusive  
9 right to file a plan of reorganization for an initial period of 120 days after commencement of its  
10 Chapter 11 case (the "Exclusivity Period"). Section 1121(c)(3) of the Bankruptcy Code provides  
11 that if a debtor files a plan of reorganization within the 120-day initial period under section 1121(b),  
12 the debtor has 180 days after commencement of the Chapter 11 case within which to solicit and  
13 obtain acceptances of its plan, during which time competing plans may not be filed by any party  
14 in interest (the "Exclusive Solicitation Period"). The Debtor's initial Exclusivity Period and  
15 Exclusive Solicitation Period (collectively, the "Exclusive Periods") were originally set to expire  
16 on December 19, 2023, and February 20, 2024, respectively. These Exclusive Periods were  
17 extended by order of the Court (ECF No. 366) to March 21, 2024, and May 23, 2024, respectively.  
18 These Exclusive Periods were further extended by order of the Court (ECF No. 532) to June 25,  
19 2024, and August 26, 2024, respectively.

20 Section 1121(d)(1) of the Bankruptcy Code provides:

21 Subject to paragraph (2), on request of a party in interest made within the respective  
22 periods specified in subsections (b) and (c) of this section and after notice and a  
23 hearing, the court may for cause reduce or increase the 120-day period or the 180-  
day period referred to in this section.

24 11 U.S.C. § 1121(d)(1). The Debtor notes that Bankruptcy Code section 1121(d)(2) provides that  
25 any such extension cannot extend beyond 18 months after the Petition Date for the 120-day period  
26 and 20 months after the Petition Date for the 180-day period. The relief requested by the Debtor  
27 in the Motion does not exceed these restrictions.



1           16.     The Exclusive Periods under Bankruptcy Code section 1121 are intended to afford  
2 a debtor a meaningful opportunity to develop and confirm a consensual plan of reorganization. *See*  
3 *In re Ames Dep't Stores, Inc.*, 1991 U.S. Dist. LEXIS 17074, at \*8, 1991 WL 259036, at \*3  
4 (S.D.N.Y. Nov. 25, 1991) (“The purpose of the Bankruptcy Code’s exclusivity period is to allow  
5 the debtor flexibility to negotiate with its creditors”). The Bankruptcy Code does not define  
6 “cause” for an extension of the Exclusive Periods. However, the legislative history of section  
7 1121(d) indicates that the initial 120-day period established by section 1121(b) merely represents  
8 a baseline from which bankruptcy courts are free to deviate, particularly in complex cases such as  
9 that of the Debtor:

10           The court is given the power . . . to increase or reduce the 120-day period depending  
11 on the circumstances of the case. For example, if an unusually large company were  
12 to seek reorganization under chapter 11, the court would probably need to extend  
the time in order to allow the debtor to reach an agreement.

13 H.R. Rep. No. 95, 95th Cong., 1st Sess. 232 (1977).

14           17.     Extensions of the Exclusive Periods are matters committed to the discretion of the  
15 Court. *First Am. Bank of New York v. Southwest Gloves & Safety Equip., Inc.*, 64 B.R. 963, 965  
16 (D. Del. 1986). Courts have developed a list of several factors to consider in determining whether  
17 a debtor has had an adequate opportunity to negotiate a Chapter 11 plan and thus whether cause  
18 exists to extend the Exclusive Periods under Bankruptcy Code section 1121(d). Those factors are:

- 19           (a) the size and complexity of the case;
- 20           (b) the necessity for sufficient time to permit the debtor to negotiate a plan of  
21 reorganization and prepare adequate information;
- 22           (c) the existence of good faith progress toward reorganization;
- 23           (d) the fact that the debtor is paying its bills as they become due;
- 24           (e) whether the debtor has demonstrated reasonable prospects for filing a viable plan;
- 25           (f) whether the debtor has made progress in negotiations with its creditors;
- 26           (g) the amount of time which has elapsed in the case;
- 27           (h) whether the debtor is seeking an extension of exclusivity in order to pressure  
28 creditors to submit to the debtor’s reorganization demands; and



1 (i) whether an unresolved contingency exists.

2 *In re Adelphia Communications Corp.*, 352 B.R. 578, 587 (Bankr. S.D.N.Y. 2006).

3 18. Although a court need not find the existence of each and every one of these factors  
4 to justify an extension of the Exclusive Periods, taken as a whole, these factors favor granting the  
5 Debtor its requested extension of the Exclusive Periods.

6 **B. Cause Exists to Extend the Exclusive Periods**

7 19. As discussed in more detail below, the factors cited above support granting the  
8 Debtor's request for a 94-day and 95-day extension of the Exclusive Periods.

9 *Factor 1: Size and Complexity of the Case*

10 20. In order to move forward with a plan of reorganization, certain complex issues must  
11 first be resolved. The Debtor has timely taken steps to put itself in a position to formulate a plan  
12 of reorganization. The bar date for Survivor Claims has been established and passed. As such,  
13 parties in interest have been analyzing the survivor claims and the available insurance coverage for  
14 such claims. The Debtor contends that the limited estate resources should not be consumed with  
15 extensive discovery and litigation and, the interests of all parties are served by progressing toward  
16 a global mediation process. Consequently, this factor supports granting the requested extension.

17 *Factors 2; 3; 5 and 6: Time to Permit the Debtor to Negotiate a Plan of Reorganization;*  
18 *Good Faith Progress Toward Reorganization; Prospects of Filing a Viable Plan; Progress*  
*in the Debtor's Negotiations with Creditors*

19 21. In each diocesan bankruptcy where a plan of reorganization has been confirmed,  
20 the plan confirmed by the bankruptcy court was a pot plan negotiated among the interested parties  
21 in the case which settled disputes over insurance coverage, property of the bankruptcy estate, and  
22 estimated claims of survivors. The Debtor intends to propose a similar type of pot plan. The  
23 process generally takes over a year. Key to the achievement of this goal is progress toward a  
24 process to resolve the amount and nature of claims, and available insurance coverage.

25 22. Since the inception of this case, the Debtor has steadily progressed in good faith  
26 towards reorganization. For instance, the Debtor has (i) filed its schedules of assets and liabilities  
27 and statement of financial affairs, (ii) filed a motion to approve claims procedures and a deadline  
28 for filing claims, (iii) filed numerous motions to allow the Debtor to comply with its postpetition

1 obligations as a Debtor in Possession, and (iv) actively worked with the parties in the case to lay  
2 the groundwork for plan negotiations. The Debtor has been meeting and conferring and producing  
3 documents on a rolling basis, including confidential documents, requested by the Committee as  
4 part of the parties' preparation for an expected mediation. Given the extensive breadth of the  
5 Committee's document requests, a significant amount of resources have been and are being  
6 devoted to this task. At the Committee's request and insistence, the Debtor has also been  
7 facilitating the production of affiliate discovery on a rolling basis. The Debtor has also met and  
8 conferred with the insurers regarding their ex parte application under Bankruptcy Rule 2004 (ECF  
9 No. 571). On April 4, 2024, and April 8, 2024, the Committee and Debtor filed oppositions to the  
10 insurer's ex parte application (ECF Nos. 573, 580). As set forth in the Status Report (ECF No.  
11 591), the insurers and Debtor have made progress towards resolving the issues relating to the 2004  
12 application.

13         23.       Additionally, the Debtor has engaged with the Committee and insurers to establish  
14 mediation parameters. The Debtor expects to have filed its motion to refer the plan development  
15 process to mediation before the hearing on this motion, with a joinder by the Committee.

16         24.       The Debtor is seeking an extension of the Exclusive Periods to focus on resolving  
17 key issues that will make formulating a plan of reorganization and proceeding to mediation  
18 possible, while continuing to maintain an open dialogue with its creditor constituencies. The  
19 good faith progress toward resolving the issues that need to be resolved before a plan can be  
20 proposed and, the prospects of a viable plan support granting the requested extension.

21                 *Factor 4: Payment of Obligations as They Become Due*

22         25.       Since the Petition Date, the Debtor has been paying its debts as they have come due.  
23 See Summerhays Decl. ¶ 9. This practice will continue, and thus, the requested extension of the  
24 Exclusive Periods will not prejudice the interests of creditors. This factor also favors approval of  
25 the requested extension.

26                 *Factor 7: Amount of Time that Has Elapsed in the Case*

27         26.       This request for an extension of the Exclusive Periods comes less than nine months  
28 after the commencement of this bankruptcy case. During this period, the Debtor has worked with

1 the Committee and insurers on a comprehensive procedure for obtaining a Bar Date Order and  
2 addressed numerous other case issues, such as the filing of a motion for an order referring the  
3 parties to global mediation. The relatively short period of time from the Petition Date to this  
4 request favors an extension of the Exclusive Periods.

5 Factor 8: No Pressure on Creditors

6 27. This is not a case in which the Debtor is seeking to extend the Exclusive Periods in  
7 order to maintain leverage over a group of creditors whose interests are being harmed by the  
8 Chapter 11 case. To the contrary, as described above, the Debtor has been diligently working to  
9 resolve critical issues in this case for the benefit of its creditors as a whole, and to lay the  
10 groundwork for an anticipated global mediation process. See Summerhays Decl. ¶ 5-12. The  
11 Debtor is not seeking an extension of the Exclusive Periods in order to pressure creditors to  
12 acquiesce to its reorganization demands and, therefore, this factor also supports the extension. See  
13 Summerhays Decl. ¶ 12.

14 Factor 9: Unresolved Contingency

15 28. The composition of the Debtor's proposed plan will be based in significant part on  
16 addressing the survivor claims. The claims and the available insurance coverage for such claims,  
17 are being analyzed since the claims bar date has been established and passed. Accordingly, this  
18 factor also favors the requested extension.

19 29. Based on the foregoing, cause exists for the requested approximate three-month  
20 extension. Similar motions have been approved in other diocesan bankruptcy cases across the  
21 country. See, e.g., *In re The Roman Catholic Bishop of Santa Rosa*, Case No. 23-10113 (Bankr.  
22 N.D. CA January 5, 2024) (ECF No. 572) (second extension of exclusivity by 178 and 180 days  
23 respectively); *In re The Roman Catholic Bishop of Oakland*, Case No. 23-40523 (Bankr. N.D. CA  
24 April 24, 2024) (ECF No. 1088) (third extension of exclusivity); *In re Roman Catholic Diocese of*  
25 *Harrisburg*, No 20-00599 (Bankr. Middle Dist. Penn. July 20, 2021) (ECF No. 665) (Fourth  
26 Extension of Exclusivity Period, granted in increments of approximately 6 months, 3 months, 3  
27 months, and 37 days, respectively; Order Further Extending Exclusive Periods for the Filing and  
28 Solicitation of Acceptance of a Chapter 11 Plan, *In re The Norwich Roman Catholic Diocesan*

1 Corporation, No. 21-20687 (Bankruptcy District of Connecticut, November 15, 2021) (ECF No.  
2 912) (Fifth Extension of Exclusivity Period); *In re Roman Catholic Church of the Diocese of*  
3 *Gallup, et al.*, Case No. 13-13676 (Bankr. D.N.M. Mar. 11, 2014) (ECF No. 200) (extending  
4 Exclusive Periods for additional 180 days) (unopposed); *In re Archdiocese of Milwaukee*, Case  
5 No. 11-20059 (Bankr. E.D. Wis. May 18, 2011), (ECF No. 237) (extending Exclusive Periods for  
6 additional 180 days) (unopposed); *In re Catholic Diocese of Wilmington, Inc.*, Case No. 09-13560  
7 (Bankr. D. Del. Mar. 1, 2010) (ECF No. 360) (extending Exclusive Periods for additional 165  
8 days) (limited opposition to factual predicates in motion but not as to relief requested); *In re*  
9 *Catholic Bishop of Northern Alaska*, Case No. 08-00110 (Bankr. D. Alaska June 19, 2008) (ECF  
10 No. 213) (extending Exclusive Periods for additional 200 days) (per stipulation with the creditors'  
11 committee); *In re The Diocese of Davenport*, Case No. 06-02229 (Bankr. S.D. Iowa Mar. 16, 2007)  
12 (ECF No. 99) (extending Exclusive Periods for additional 189 days) (unopposed); *In re Roman*  
13 *Catholic Archbishop of Portland in Oregon*, Case No. 04-37154 (Bankr. D. Or. Oct. 28, 2004)  
14 (ECF No. 497) (extending Exclusive Periods for additional 210 days) (unopposed).

15 **CONCLUSION**

16 The requested extension should be granted because each of the factors indicates that cause  
17 exists for the requested approximate three-month extension. The Motion is without prejudice to  
18 the Debtor's right to seek further extensions of the Exclusive Periods.

19 WHEREFORE, the Debtor respectfully requests that the Court enter its order:

- 20 1. Granting the Motion;
- 21 2. Extending the exclusive period for the Debtor to file a plan of reorganization to  
22 September 27, 2024;
- 23 3. Extending the exclusive period for the Debtor to solicit acceptances of such a plan  
24 to and including November 29, 2024; and

25 ///

26 ///

27 ///

28 ///

1           4.       Granting such other and further relief as the Court deems just and proper under the  
2 circumstances.

3 Dated: May 16, 2024

FELDERSTEIN FITZGERALD WILLOUGHBY  
PASCUZZI & RIOS LLP

5 By: /s/ Paul J. Pascuzzi  
6 PAUL J. PASCUZZI  
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Attorneys for The Roman Catholic Archbishop of  
San Francisco

9  
10 Dated: May 16, 2024

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

11 By: /s/ Ori Katz  
12 ORI KATZ  
13 ALAN H. MARTIN

Attorneys for The Roman Catholic Archbishop of  
San Francisco

**Exhibit A**

**[Proposed Order]**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re

THE ROMAN CATHOLIC ARCHBISHOP  
OF SAN FRANCISCO,

Debtor and  
Debtor in Possession.

Case No. 23-30564

Chapter 11

Date: June 13, 2024  
Time: 1:30 p.m.  
Location: Via ZoomGov  
Judge: Hon. Dennis Montali

**[PROPOSED] ORDER GRANTING DEBTOR’S THIRD MOTION TO EXTEND  
EXCLUSIVITY PERIODS  
[11 U.S.C. § 1121(d)]**

Upon consideration of the Debtor’s Third Motion for Order Extending Exclusivity Periods [11 U.S.C. § 1121(d)] (the “Motion”) filed by The Roman Catholic Archbishop of San Francisco, the debtor and debtor in possession (the “RCASF” or the “Debtor”) for entry of an order extending the exclusive period of time during which only the Debtor may file a plan of reorganization and the exclusive period of time to solicit acceptances thereof, and good cause appearing therefor;

**IT IS HEREBY ORDERED THAT:**

1. The Motion is hereby GRANTED as set forth herein.
2. The exclusive period for the Debtor to file a plan of reorganization is extended to September 27, 2024;
3. The exclusive period for the Debtor to solicit acceptances of such a plan is extended to November 29, 2024;

4. The Motion is without prejudice to the Debtor's right pursuant to 11 U.S.C. § 1121(d) to seek a further increase of the exclusive periods.

**\*\*END OF [PROPOSED] ORDER\*\***